

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1, 2, 4-7, and 9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication App. No. 2002/0078447 to Mizutome et al. ("*Mizutome*").

Applicant respectfully traverses the rejection of claims 1, 2, 4-7, and 9 under 35 U.S.C. § 102(e) as being anticipated by *Mizutome*. In order to properly establish that *Mizutome* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites an electronic apparatus comprising:

a display means . . .

a housing means . . .

a selection means for selecting a first constitutive element for displaying screen layout options on said screen, and a second constitutive element for displaying a source of information according to said selected display information displayed on said screen; and

a generation means for generating information based on a result of the selecting by said selection means and for generating said program based on said information.

(emphasis added). *Mizutome* does not disclose each and every element of Applicant's claimed invention.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Mizutome discloses a data processing apparatus “for displaying or outputting information regarding a video, audio, and so on” (paragraph 0012). The Examiner cites Fig. 19 of *Mizutome* to allegedly disclose the claimed “housing means” and “program,” and cites Fig. 12 and paragraph 0109-0111 of *Mizutome* to allegedly disclose the claimed “selection means” (Office Action at pages 2-3). This is not correct.

Fig. 12 of *Mizutome* depicts a history database. A “screen layout and audio mode most often viewed and listened to are picked up and set in a table” (paragraph 0109). This information indicates the screen layout and audio mode that a user used to view and listen to an attribute of the input source.

There is no teaching or suggestion in *Mizutome* that this information may be selected. On the contrary, this information is merely a grid that depicts the screen layout and audio mode for a plurality of users. This information is not selected. Even assuming that a user can select an entry in Fig. 12, which is not taught in *Mizutome* and Applicant does not concede, there is no teaching or suggestion in *Mizutome* of “a generation means for generating information based on a result of the selecting by said selection means and for generating said program based on said information.”

The Examiner cites Fig. 19 to allegedly disclose the claimed “housing means” and “program.” Even assuming that the window in Fig. 19 is contained within a housing a displays a program, there is no teaching or suggestion in *Mizutome* that any program that may be displayed in the window is generated by selecting information that is contained within the history database as depicted in Fig. 12. Any selection means related to Fig. 12 is independent from any program that may display an image in Fig. 19.

Therefore, *Mizutome* does not teach or suggest the claimed combination of elements including “a selection means for selecting a first constitutive element for displaying screen layout options on said screen and a second constitutive element for displaying a source of information according to said selected display information displayed on said screen” and “a generation means for generating information based on a result of the selecting by said selection means and for generating said program based on said information,” as recited in claim 1.

Mizutome fails to teach the claimed subject matter, including at least these required elements. Accordingly, *Mizutome* cannot anticipate claim 1. Thus, claim 1 is allowable for at least these reasons. Claims 2 and 4 are also allowable at least due to their depending from claim 1. Independent claims 5, 6, and 9, though of different scope from claim 1, recite limitations similar to those set forth above with respect to claim 1 and are thus allowable over *Mizutome* for at least the same reasons discussed above in regard to claim 1. Claim 7 is also allowable at least due to its depending from claim 6.

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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